

Marvin Mathis #304144/244859-C
New Jersey State Prison
P.O. Box 861
Trenton, New Jersey 08625-0861
Petitioner, Pro se

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(D.N.J. Civil Action No. 15-2092 (JLL))

MARVIN MATHIS,

Petitioner,

v.

ATTORNEY GENERAL OF NEW
JERSEY, et al.

Respondents.

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Civil Action

CERTIFICATION OF MARVIN
MATHIS IN SUPPORT OF MOTION
FOR A EVIDENTIARY HEARING

I, Marvin Mathis, being of full age, hereby depose and
say:

1. I am the Petitioner acting Pro se in the above captioned
matter and currently confined at New Jersey State Prison in
Trenton, under SBI# 244859-C.

2. I make this Certification In Support of a Motion for
a Evidentiary Hearing.

3. On March 13, 2015, I submitted to be filed in the United
States District Court - District of New Jersey, a Petition for
Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

4. On April 21, 2015, this Court ordered me to shown cause
why my petition should not be dismissed as time-barred. (See
ECF No. 2).

5. On May 11, 2015, I filed a response to this Court's order setting out evidence which demonstrates that my petition was filed within the one year statute of limitations. (See ECF No. 3).

6. On May 28, 2015, the Court found that I shown good cause why my petition should not be dismissed as untimely and ordered Respondents to file a full and complete Answer.

7. On August 12, 2015, I received via legal mail from Meredith L. Balo, Special Deputy Attorney General/Acting Assistant Prosecutor - Union County Prosecutor's Office, which contained the Respondents' Answer. (See Exhibit 5 and 1).

8. On September 15, 2015, I timely filed my Pro se Reply /w Appendix by using the New Jersey State Prison's CO 30a "Postage Remit." (See Exhibit 6, 7 and 8).

9. On September 26, 2015, I received via legal mail from the United States District Court - District of New Jersey, which contained a Notice of Electronic Filing of my Reply to Response. (See Exhibit 11, 9 and 10).

10. I now move before this Court for a Motion for a Evidentiary hearing.

11. I have diligently sought an evidentiary hearing to state my "factual allegations," which, if true, would entitle me to federal habeas relief.

12. I have diligently sought an evidentiary hearing in my PCR petition. The PCR court denied me the right to establish the factual allegations regarding my trial counsel's ineffectiveness.

13. For the reasons set forth in this Certification and Letter-Brief, I respectfully request that this motion be granted.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false I am subject to punishment.

Dated: October 06, 2015

Marvin Mathis
Marvin Mathis
Petitioner, Pro se